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CAD Bulletin 2008-03

To: Maine Electric and Gas Transmission and Distribution Companies

From: Derek D. Davidson, Director, Consumer Assistance Division

Subject: Implementation Chapter 815 of the Commission's Rules

The purpose of this bulletin is three-fold. First, we want to invite you to a meeting at the Commission's offices in Augusta on February 28, 2008, to discuss the implementation of the new Chapter 815, which takes effect on April 16, 2008. The meeting will take place from 9:00 a.m. to 4:00 p.m. Second, we point out provisions of Chapter 815 that utilities have found confusing and explain the cause of the confusion. Third, we provide clarification of section 11(E) regarding the duration of medical emergencies.

As utilities have prepared for the rule's implementation on April 16, they have encountered provisions they found confusing and have in turn sought clarification from the Commission. For some of the provisions, we are able to provide clarification, while other provisions may require modification or exemptions for certain utilities. To allow both the Commission and the utilities to decide whether the confusing provisions require modification, clarification by the Commission, and/or exemption for certain utilities, we wish to discuss the confusing provisions and decide a proper course of action on the 28th.

We have received questions regarding the following provisions:

- Section 8(F)(3). This subsection requires utilities to consider a payment made through electronic means, either over the phone or the internet, "received" at the date and time the transaction is executed by the customer. Several utilities have reported that they do not receive notice from third party vendors of electronic payments until the next day and sometimes not until two to three days after the transaction is executed by the customer. This would not comply with a strict interpretation of the language of the rule. The purpose of this section is to ensure that customers who pay their bill electronically by or on the due date do not incur late fees.



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- Section 8(F)(4). This subsection requires utilities to consider a payment made at a branch office of the utility or at an authorized payment agency “received” on the date the payment is made at that location. Similar to the issue described above, some utilities have reported that they do not receive notice of payments made at payment agencies until the day following the receipt of the payment.
- Section 10(L)(5). This subsection requires utilities to mail an informational packet to all residential customers disconnected since the end of the previous winter period that have not been subsequently reconnected by November 15. Some utilities have questioned how to comply with this subsection for customers who are disconnected close to November 15 – must they mail them a packet? A customer disconnected on November 14 will not receive the packet by November 15.
- Section 14(B). This subsection requires utilities to notify customers of the cause and expected duration of unplanned outages when service is interrupted for more than *three* hours. This is inconsistent with the requirement of Section 14(A) which requires similar notice of planned interruptions be provided when the interruption is expected to last more than *five* hours.

One subsection that requires clarification that we provide in this bulletin is subsection 11(E), the medical emergency provision. This subsection states:

The utility may not disconnect the customer for the time period specified in the certification or 30 days, whichever is less. If the certification does not specify a time period or it is not readily ascertainable, the utility must not disconnect for a least 30 days. A certification may be *renewed* a total of *three* times during any 12-month period.

If a certification is renewed three times, the result is four certifications. This conflicts with the language contained in the Order Adopting the Rule (OAR) which states that medical emergency certifications are limited to a *total* of three during any 12-month period. The OAR specifically states that the rule was modified “to limit the number of certifications to three in a 12 month period”. The CAD will use the language in the OAR to enforce subsection 11(E), meaning that the number of medical emergency certifications that can be declared by a customer is limited to three within a 12 month period. To further clarify the intent of this subsection, the three certifications represent the total number of certifications that can be declared per household. Thus, if multiple occupants of the same household have medical conditions that would each qualify as a medical emergency, the household is nonetheless limited to a total of three certifications within a 12 month period. This subsection will be corrected when and if the Commission initiates a rulemaking to modify the other problematic sections of Chapter 815.

Utilities should be prepared to discuss the sections identified above, as well as any other sections of Chapter 815 that require clarification, at the meeting on the 28th. We wish to use the information gathered at the meeting to identify any section of the rule that should be modified. It is our intent to address all aspects of the rule that may require modification in a single rulemaking, so it is imperative that utilities identify any and all aspects of the Chapter 815 that are confusing or problematic.

Please feel free to contact me at (207) 287-1596, if you have any questions.